

REMARKS

The Examiner is thanked for his careful and thorough Office Action.

Claims 1-5, 7-10, 15, and 17-20 are pending in the present application. All claims were rejected.

All arguments from previous amendments and responses are incorporated and reiterated herein. Reconsideration of the claims is respectfully requested.

Claim Rejections -- 35 U.S.C. § 103

Claims 1-2, 4-5, 7-9, 15, and 19-20 were rejected as obvious over *Chen* (USP 5,991,737, hereinafter “Chen”) in view of *Joseph et al.* (USP 5,819,034, hereinafter “Joseph”). The Applicant respectfully notes that the Office Action refers to the ‘034 patent as “Kuriacose,” which appears to be the first name of inventor Kuriacose Joseph; Applicant will refer to the ‘034 patent as “Joseph.”

With regard to the rejections of independent claims 1, 7, and 15, the Office Action makes reference to five of the six total text columns of Chen, but does not identify which elements of Chen are alleged to anticipate (or render obvious) the claims.

For example, claim 1 first specifies “a content access device that is configured to receive content material simultaneously with an item identifier associated with the content material from a provider”. Chen discloses a consumer receiver 16, such as a TV, radio, or stereo tuner, that receives broadcasts; the consumer receiver 15 then can fairly be considered to “receive content material”

within the meaning of the claims. Chen's consumer receiver 16, however, does not receive "an item identifier associated with the content material", and so the consumer receiver 16 cannot function as the claimed "content access device".

Chen's content identification processor 34, a part of processing station 22, is described as receiving direct radio or television broadcasts, so it could also arguably be considered to "receive content material" within the meaning of the claims. Chen indicates that the content identification processor 34 can identify the content of the broadcast items by using pattern recognition techniques or by comparing to a broadcast schedule (see col. 4, lines 41-60). Chen does not teach or suggest the content identification processor 34 simultaneously receives both the broadcast items and an item identifier associated with the broadcast items, and so the content identification processor 34 also cannot function as the claimed "content access device".

The Examiner is therefore respectfully requested to identify specifically which element of Chen or Joseph is believed to function as the claimed "content access device" of claim 1. Similar functional requirements are claimed with regard to the "broadcast receiver" of claim 7, and the step of claim 15 that requires "receiving the content material simultaneously with an identifier of the item [associated with audio and visual content material]". No element of Chen or Joseph (or any combination of them) is seen to teach or suggest this feature of these claims, and so the rejection of independent claims 1, 7, and 15, and corresponding dependent claims 2, 4-5, 8-9, and 19-20, is traversed.

Similarly, no element of Chen, Joseph, or any combination of them is seen to meet the claimed functional and connection limitations of claim 1's "purchase request processor", particularly since the only "input device" described by Chen appears to be a telephone (or, by inference, possibly a web connected device that can communicate with a WWW page per col. 5, line 1, although this is not specifically taught). The TV remote control described by Joseph does not appear to meet the limitations of the claimed input device.

Applicant appreciates the Examiner's helpful description of "one touch purchase" and the like. If the Examiner will be kind enough to identify which element of Chen or Joseph he considers to be the claimed "input device", the Applicant will be able to discern whether that input device includes a "buy" switch that is pre-programmed with a user's predetermined purchasing information in response to a single activation of the buy switch without the user being required to enter any additional data. The reference to cols. 8 and 9 of Joseph are understood to indicate that the Examiner believes that "input device" is satisfied by client computer 22 (operated by remote control), but it is not seen that this "input device" functions or is connected as in the claims.

Other specific claimed elements do not appear to be taught or suggested by any cited art, or any combination of them. The current office action cites identical passages in Chen for nearly every claimed element in the independent claims, and these passages, in total, comprise almost all of Chen's disclosure. Applicant acknowledges the Examiner's request to consider the references in whole, and has attempted to discern which portions of these passages, or any other portion of the references, are believed to teach or suggest the claimed elements, but they do not appear to do so.

The Examiner is therefore respectfully requested to identify specifically which element or teaching in each reference is used to satisfy each of the limitations of the rejected claims.

Claims 3 and 10 were rejected as obvious over Chen in view of Joseph and *Anderson* (USP 5,991,601, hereinafter “Anderson”). The arguments with regard to respective independent claims 1 and 7 apply here as well, and so are incorporated herein. Anderson similarly fails, alone or in combination with Chen and Joseph, to teach or suggest the specific functions and connections for various claim elements, and so these rejections are also traversed.

Claims 17 and 18 were rejected as obvious over Chen in view of Joseph, Anderson, and *Mankovitz* (USP 5,949,491, hereinafter “Mankovitz”). The arguments with regard to independent claim m 15 7 apply here as well, and so are incorporated herein. Mankovitz similarly fails, alone or in combination with Chen, Joseph, and Anderson (in a remarkable and unmotivated 4-way combination) to teach or suggest the specific functions and connections for various claim elements, and so these rejections are also traversed.

These rejections are respectfully traversed.

SUMMARY


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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